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MAR 6 2002

Richard S. Roberts
P.O. Box 484
Princeton, New Jersey 08542

In re Application of:
Henry Chung
Application No. 09/328,645
Filed: June 09, 1999
Attorney Docket No.: 30-4718(4780)

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a response to the communication filed on January 14, 2002 and supplemented, via facsimile transmission, on January 22, 2002, that is being treated as a petition to withdraw the holding of abandonment in the above-identified application. No fee is required.

The petition is **granted**.

The application was held abandoned for failure to respond to the Office action mailed on December 23, 1999. A Notice of Abandonment was mailed on September 12, 2000.

Petitioner asserts that on January 14, 2000, a response to the Office action of December 23, 1999 was transmitted to the United States Patent and Trademark Office (PTO), via facsimile transmission. To support this assertion, petitioner has provided a copy of the response to the Office action that includes a proper Certificate of Facsimile Transmission under 37 CFR §1.8(a), a copy of the facsimile transmission cover sheet, a successful transmission report dated January 14, 2000 and a statement from the attorney, Richard S. Roberts that attests on a personal knowledge basis that the above identified response was facsimile transmitted to the PTO on January 14, 2000.

A review of the application file record reveals that the above-identified response is not of record in the application file and cannot be located. However, 37 C.F.R. § 1.8(b) provides for accepting a correspondence as being timely filed if it was mailed or transmitted in accordance with 37 C.F.R. § 1.8(a).

The petition meets the conditions of 37 C.F.R. § 1.8(b) to establish the previous timely filing of the response. The application is not abandoned in fact.

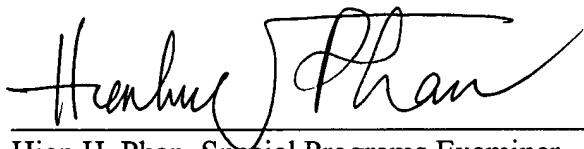
The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The copy of the amendment submitted with the petition of January 14, 2002, is accepted since the response originally submitted was apparently lost.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the response. From there, the application will be forwarded to the examiner for appropriate action.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.



Hien H. Phan, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

HHP:lmh